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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

MICHAEL C. BAUERLEIN, surviving) No. CV-04-1904-PHX-SMM  
natural father of BROOKE LYNNE)

BAUERLEIN, deceased minor,) **ORDER**  
individually and on behalf of all wrongful)

death beneficiaries, including SHANNON)

BAUERLEIN, surviving mother of)

BROOKE LYNNE BAUERLEIN,) )  
deceased minor; and PATRICIA JOELLEE)

BAUERLEIN, through MICHAEL C.) )  
BAUERLEIN, her natural parent and next)

friend, )

Plaintiffs, )

v. )

EQUITY RESIDENTIAL PROPERTIES)

MANAGEMENT CORPORATION, an)

Illinois Corporation d/b/a LA)

MARIPOSA; )

Defendant. )

On May 8, 2007, the Court entered an Order permitting the withdrawal of counsel for Defendant Jumbo Surplus Corporation. It is well established that under *Licht v. America West Airlines*, 40 F.3d 1058 (9<sup>th</sup> Cir. 1994), corporations must appear in court through an attorney. Accordingly, Defendant Jumbo was provided **30 days** from the entry of the Order to file a notice of appearance of its new counsel with the Court. The Court warned that failure to secure counsel would result in the Court striking Jumbo's Answer and the entry default

1 against Jumbo. (Doc. 202). The time has now expired, and Jumbo has failed to secure  
2 counsel or make any further appearance.

3 Currently, the parties remaining in the lawsuit, Plaintiffs Michael and Shannon  
4 Bauerlein and Equity Residential Properties Management Corporation, are in dispute as to  
5 whether it is appropriate to enter default against Jumbo, and irrespective of the Court's order,  
6 whether Equity has standing to request the Court to enter default against Jumbo.

7 Accordingly,

8 **IT IS HEREBY ORDERED** that Equity shall file with the Court a supplemental  
9 brief no longer than 5 pages in length addressing (1) whether it has standing to request the  
10 entry of default (of Jumbo) and (2) the effect of the Court's May 8<sup>th</sup> Order. The brief is due  
11 no later than **Friday, December 14, 2007**.

12 **IT IS FURTHER ORDERED** that Plaintiffs shall file a responsive brief, no longer  
13 than 5 pages in length, addressing the same, no later than **Friday, January 11, 2008**.

14 DATED this 20<sup>th</sup> day of November, 2007.

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19 Stephen M. McNamee  
20 United States District Judge  
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